

REMARKS/ARGUMENTS

I. Status of the claims

Claims 1 and 4-14 are pending. Claims 2 and 3 have been canceled without prejudice. Independent claim 1 has been amended to recite the vinyl acetate concentration and the melt flow rate of the ethylene/vinyl acetate copolymer, and a glass transition temperature range for styrene/(poly)olefin block copolymer. This amendment is supported by lines 24-25 on page 5 and lines 1-24 on page 6 of the specification. Independent claims 5 and 10 have been amended to specify a glass transition temperature range of the styrene/(poly) olefin block copolymer. Support for these amendments may be found in lines 16-25 on page 13 and lines 17-25 on page 22 of the specification. No new matter has been added.

II. Rejection under 35 U.S.C. § 112, second paragraph

The Examiner has rejected claims 3 and 5-14 as being indefinite for failing to particular point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner states that in claims 3, 5 and 10, the phrase “the styrene/(poly)olefin block copolymer has a glass transition temperature...” renders the claims indefinite because the styrene/(poly)olefin block copolymer generally has two different glass transition temperatures. According to the Examiner, the claimed language is not clear in terms of which glass transition temperature of which block of the styrene/(poly)olefin block copolymer is referred to. Applicant respectfully traverses this rejection.

As can be seen by the above amendments, claim 1 has been amended to incorporate the limitation of claims 2 and 3. Therefore, the part of the Examiner's remarks directed to cancelled claim 3 are discussed here in view of amended claim 1.

The Examiner's understanding that the styrene/(poly)olefin block copolymer generally has two deferent glass transition temperatures is correct. However, stating that the styrene/(poly)olefin block copolymer has a glass transition temperature within the claimed range does not exclude the case where the styrene/(poly)olefin block copolymer has two different glass transition temperatures.

Independent claims 1, 5 and 10 recite that the styrene/(poly)olefin block copolymer has a glass transition temperature of the recited range. This does not preclude the possibility of the block copolymer having one or more glass transition temperatures, which may be within or outside the recited range. The language of claims 1, 5, and 10 is not indefinite. One of ordinary skill would understand the metes and bounds of Applicant's invention from the current claim language. Accordingly, Applicant respectfully requests that the Examiner withdraw this rejection under 35 U.S.C. § 112, second paragraph.

III. Rejection under 35 U.S.C. § 103(a) over Inada in view of Vosters

The Examiner has rejected claims 1-14 as being unpatentable over U.S. Patent No. 6,380,296 B1 to Inada ("Inada") in view of U.S. Patent No. 5,863,978 to Vosters ("Vosters"). The Examiner states that Inada discloses a resinous interior material, flooring material and skirting material comprising ethylene vinyl acetate copolymer, polyolefin and filler. Because Inada fails to disclose a styrene/(poly)olefin block copolymer as part of the composition, the Examiner tries to cure Inada's deficiency by combining Inada with Vosters. Vosters, according to the Examiner, teaches adding the styrene/(poly)olefin block copolymer to the wall and floor covering compositions to achieve good processability, relatively low density, good surface appearance and good scratch resistance. The Examiner concludes that it would have been obvious to add the styrene/(poly)olefin block copolymer of Vosters in the compositions of Inada to lower density. Applicant respectfully traverses this rejection.

While Inada discloses resin type interior material comprising ethylene vinyl acetate copolymer, polyolefin and inorganic filler, there is no teaching or suggestion of any styrene/(poly)olefin block copolymer at all in Inada. Vosters discloses a composition useful in wall and floor covering comprising a styrene/(poly)olefin block copolymer. However, there is no teaching or suggestion in Vosters about the glass transition temperature range of the styrene/(poly)olefin block copolymer.

Applicant has amended claim 1 to recite that the styrene/(poly)olefin block copolymer of the resinous interior material has a glass transition temperature of from

-20°C to +50°C. Claims 5 and 10 have also been similarly amended to recite that the styrene/(poly)olefin block copolymer of the flooring material or the skirting board has a glass transition temperature of from -10°C to +40°C. Therefore, independent claims 1, 5 and 10 disclose a resinous interior material, or a material to produce floor material or skirting board, containing a limitation that the styrene/(poly)olefin block copolymer used having a specific range of a glass transition temperature. This limitation distinguishes claims 1-14 over Inada and Vosters references, taken alone or combined together.

Moreover, the claimed invention possesses improved properties, such as stress-relaxing properties and satisfactory conformability to the substrate when the material is bonded to a substrate. See lines 24-25 on page 5, lines 1-24 on page 6, lines 16-25 on page 13 and lines 17-25 on page 22 in specification. Such improved properties are not taught or suggested in either of Inada and Vosters references. Nor has the Examiner shown they would otherwise have been obvious to one of ordinary skill in the art. There is therefore no teaching or suggestion of the claimed invention by the prior art references, taken alone or combined together, such that one skilled in art would combine the two prior art references and arrive at Applicant's claimed invention.

Because Inada does not teach the styrene/(poly)olefin block copolymer having a glass transition temperature within claimed invention, and Vosters does not cure the deficiency of Inada as discussed above, Inada in view of Vosters would not have rendered obvious Applicant's claimed invention. Accordingly, Applicant respectfully request this rejection under 35 U.S.C. § 103(a) be withdrawn.

IV. Conclusion

Applicants respectfully request reconsideration of this application in view of the above amendments and remarks. Favorable consideration and prompt allowance of the claims are earnestly requested.

Except for issue fees payable under 37 C.F.R §1.18, the Commissioner is hereby authorized to charge any payment deficiency to Deposit Account No. 19-2380. Should the Examiner have any questions that would facilitate further prosecution or allowance of

this application, the Examiner is invited to contact the Applicants' representative designated below.

Respectfully submitted,

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